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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,123	07/28/2003	Rodney L. Blair	BLAIR	3082
7590 12/05/2005				
ROBERT M. SPERRY, ESQ. 23390 OSTRONIC DRIVE WOODLAND HILLS, CA 91367			EXAMINER WINNER, TONY H	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/628,123	Applicant(s) BLAIR, RODNEY L.	
	Examiner Tony H. Winner	Art Unit 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/13/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election***

1. Applicants elect species III with traverse is acknowledged. The office found the ground of traverse to be persuasive, therefore, the restriction is withdrawn and all claims will be examined.

***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The disclosure is objected to because of the following informalities: There is a typo on page 1 line 14 of the specification where a "USPN 5,660,848" should be – USPN 5,660,858 --.

4. Claim 12 is objected to because of the following informalities: Claim 12 the word gravity is misspelled.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-10, 12-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (USPN. 6,752,231 B2) in view of Flagg (USPN. 4,298,197).

Hume discloses a personal transportation system comprising:

- a. a pair of large wheels mounted on a common axis,
- b. a motor carried by the wheels and including means for independently driving each of said wheels, said motor includes manual control, and
- c. a load carrying compartment mounted so that its center of gravity is below said axis.

Hume lacks the teaching that the wheels are inflatable tubes. Flagg teaches a rotating recreational device wherein the wheels are large inflatable tubes so as to provide the device with a means to maneuver over a variety of terrain, including water. Based on the teaching of Flagg, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Hume to include the of inflatable tubes of Flagg so as to provide the device with a means to maneuver over a variety of terrain, including water.

With respect to claims 2, 9-10, 13-15 and 17 Hume as modified by Flagg discloses all of the claimed limitations.

With respect to claim 3-6, Hume as modified by Flagg discloses the claimed invention but lacks the teaching of any specific spokes structure/design. However, applicant acknowledged that the spokes structure/design is an obvious alternative. Therefore, it would have been an obvious alternative/design choice to make the spokes of metal, wire, or inflatable tubes.

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume as modified by Flagg and further in view of Quigg (USPN. 6,857,490 B2).

Hume as modified by Flagg is disclosed above but lacks the teaching of a means for remotely controlling the vehicle.

Quigg discloses a stair-climbing wheelchair wherein the wheelchair includes a remote control so as to provide a wide range of usefulness for the wheelchair such as unmanned device used to traverse obstacles or in mine field cleaning operation. Based on the teaching of Quigg, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Hume as modified by Flagg to include the remote controller of Quigg so as to provide a wide range of usefulness for the wheelchair such as unmanned device used to traverse obstacles or in mine field cleaning operation.

#### ***Allowable Subject Matter***

7. Claims 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



**TONY WINNER**  
**PATENT EXAMINER**

November 21, 2005